

In re Patent Application of

Atty Dkt. 622-46

C# M#

SENECI

Serial No. 09/859,518

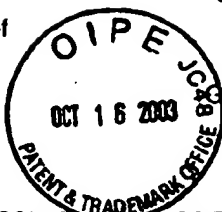
Filed: May 18, 2001

Group Art Unit: 1761

Examiner: H ndricks

Date: October 16, 2003

Title: EDULCORATING SOLUBLE COMPOSITION CONTAINING ALIMENTARY FIBRES, ITS PREPARATION AND USE FOR ALIMENTARY PURPOSE



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.**

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

P. titution is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 110.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 110.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: RCE 770.00

**TOTAL FEE ENCLOSED \$ 880.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
LCM:lfm

NIXON & VANDERHUYE P.C.

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 

10/17/2003 HVUONG1 00000053 09859518

02 FC:1251 110.00 OP

Adjustment date: 11/21/2003 EEKUBAY1  
10/17/2003 HVUONG1 00000053 09859518  
02 FC:1251 -110.00 OP

783864

11/21/2003 EEKUBAY1 00000026 09859518

01 FC:2251 55.00 OP

## Mail Stop RCE

PTO/SB/30 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995 See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/859,518
	Filing Date	May 18, 2001
	First Named Inventor	SENECI
	Group Art Unit	1761 ✓
	Examiner Name	Hendricks
	Attorney Docket Number	622-46

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on September 12, 2003  
 (Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any deficiency in the fees submitted, or credit any overpayments, to  
 Deposit Account No. 14-1140
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) : 10/17/2003 HUUONG1 00000053 09859518
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$770.00 01 FC:1801 enclosed 770.00 00
- c. ☐ Payment by credit card (For PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Leonard C. Mitchard	Registration No. (Attorney/Agent)	29,009
Signature		Date	October 16, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)	
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for

Adjustment date: 11/21/2003 EEKUBAY1  
 10/17/2003 HUUONG1 00000053 09859518  
 01 FC:1801 -770.00 00  
 11/21/2003 EEKUBAY1 00000026 09859518

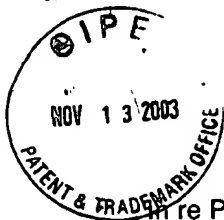
02 FC:2801

385.00 00

Repln. Ref: 11/21/2003 EEKUBAY1 0011144500  
 DAH:141140 Name/Number:09859518

\$440.00 CR

FC: 9204



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Dep/Ref

#307

Pre Patent Application of

SENECI

Serial No. 09/859,518

Filed: May 18, 2001

For: EDULCORATING SOLUBLE COMPOSITION CONTAINING  
ALIMENTARY FIBRES, ITS PREPARATION AND USE FOR  
ALIMENTARY PURPOSE

Atty. Ref.: 622-46

PATENT MAINTENANCE  
Group: 176 DMSIGN

Examiners: Hendricks

US PATENT & TRADEMARK  
OFFICE

\* \* \* \* \*

November 13, 2003

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**

A refund is respectfully requested for the overpayment made with the filing of a Request for Continued Examination (RCE) and a Petition to Extend, filed on October 16, 2003 (copy enclosed). When the RCE and Petition to Extend were filed, applicant's attorney inadvertently listed "\$880.00 as the basic filing fees of this patent application, when in fact the correct amount is "\$440.00" for a small entity. Therefore it is requested that the overpayment of \$\$440.00 be refunded to applicant's undersigned attorney by crediting \$440.00 to our account no. 14-1140 under Order No. 622-46. For this purpose a duplicate copy of this paper is enclosed.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By: \_\_\_\_\_

Leonard C. Mitchard  
Reg. No. 29,009

Adjustment date: 11/21/2003 EEKUBAY1  
09/17/2002 HUUONG1 00000126 09859518  
01 FC:103 -108.00 OP

11/21/2003 EEKUBAY1 00000027 09859518  
01 FC:2202 54.00 OP

LCM:lfm  
1100 North Glebe Road, 8th Floor  
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Repln. Ref: 11/21/2003 EEKUBAY1 0011163100  
DAH:141140 Name/Number:09859518  
FC: 9204 \$54.00 CR

US PATENT & TRADEMARK  
OFFICE

NOV 18 2003

DEPT OF COMMERCE  
REFUND BRANCH

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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00)	\$ 0.00
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NIXON &amp; VANDERHYTE P.C.

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: **COPY**

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**COPY**

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